

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DONNA MOORE,)
)
 Plaintiff,)
)
 vs.) No.
)
 PERFORMANCE OF BRENTWOOD, L.P.,)
)
 Defendant.)

COMPLAINT

Pursuant to Section 216(b) of the Fair Labor Standards Act (FLSA), Plaintiff files this lawsuit against Defendant and alleges the following:

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Section 1331.
2. Defendant is a Tennessee limited partnership. Its principal office is located at 1636 Westgate Circle, Brentwood, Tennessee, 37027. Its registered agent for service of process is Patrick Campbell, 2400 Gallatin Pike, North, Madison, Tennessee, 37115.
3. Defendant operates two Lexus automobile dealerships located in Williamson County and Davidson County, Tennessee. Defendant sells and services both new and used vehicles.
4. Plaintiff was employed by Defendant at its dealerships from 2013 through February of 2019.
5. Plaintiff worked in Defendant's accounting department and performed bookkeeping work such as recording payroll information; recording information about vehicle

sales; recording information about vehicle purchases; recording sales tax information; accounts payable work; and ordering office supplies.

6. Plaintiff routinely worked overtime hours of more than 40 per workweek for which she was not paid overtime compensation of one and one-half times her regular rate of pay.

7. Rather than pay Plaintiff overtime compensation, Defendant paid Plaintiff a salary that remained the same regardless of how many overtime hours she worked each week.

8. Defendant was an "employer" of Plaintiff as defined by Section 203(d) of the FLSA.

9. Plaintiff was an "employee" of Defendant as defined by Section 203(e)(1) of the FLSA.

10. Defendant was an enterprise engaged in commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA. Defendant had annual gross volume of sales which exceed \$500,000.00.

11. The minimum wage and overtime provisions of the FLSA set forth in Sections 206 and 207, respectively, apply to Defendant.

12. Pursuant to Section 207(a)(1) of the FLSA, Defendant was required to pay Plaintiff overtime pay at a rate of one and one-half times her regular rate of pay for all hours worked over 40 during each workweek.

13. Defendant's failure to pay Plaintiff overtime wages of one and one-half times her regular rate of pay for all overtime hours worked was a violation of Section 207(a)(1) of the FLSA.

14. Pursuant to Section 216(b) of the FLSA, Defendant is liable to Plaintiff for overtime back pay.

15. In addition to the amount of unpaid overtime wages owing to Plaintiff, Plaintiff is also entitled to recover an equal amount of liquidated damages pursuant to 29 U.S.C. § 216(b).

16. Plaintiff is entitled to an award of attorney's fees and costs pursuant to 29 U.S.C. § 216(b).

17. Defendant's violation of Section 207 of the FLSA was willful. Specifically, Defendant was well aware of its obligation to pay Plaintiff overtime wages pursuant to the FLSA, or recklessly disregarded its legal obligation. Accordingly, Plaintiff is entitled to an extended three-year limitations period for filing suit.

WHEREFORE, Plaintiff prays for a judgment against Defendant for damages that include the following:

- (a) overtime back pay;
- (c) liquidated damages in an amount equal to her overtime back pay;
- (c) interest;
- (d) reasonable attorney's fees and costs; and
- (e) all other general legal and equitable relief to which he may be entitled.

Respectfully submitted,

/s/ R. Scott Jackson, Jr.
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